



**City of Portland, Maine
Public Safety / Health & Human Services Department
September 9, 2014**

Meeting Minutes

Committee Attendance: Chair Suslovic, Councilor Leeman, Councilor Duson, Councilor Coyne

City Staff Attendance: Sheila Hill-Christian, Interim City Manager; Julianne Sullivan, HHS; Chief Sauschuck, PPD; Trish McAllister, Corporation Counsel; Chris Corson, Public Health; Jerome LaMoria, Fire Chief;

Meeting Called to Order and Minutes from June and July Accepted

Meeting was called to order at approximately 5:35 PM by Chair Suslovic. Councilor Duson requested the four question marks shown in the June meeting minutes be struck from the record. A clarification was made that the individual taking notes at the June meeting was filling in for staff who were on vacation. June and July meeting minutes were accepted.

These changes were recorded and have been updated on the Committee's website on September 10, 2014.

AGENDA ITEM 1 – Fire Department Update

Fire Chief Jerome LaMoria updated the committee that the Fire Department is in its 2nd year of an annual partnership with the Auburn, Maine Fire Department in hosting a Polish Fire Cadet during his visit to the United States. The cadet is in the States for one month and will be staying with the Portland Fire Department for one week.

Chief LaMoria provided an update on three phases of the Fire Department's organization. The first phase was addressed in accordance with budget cycles and included activation of a 5th ambulance staffed at the Intermediate license level. This 12 month pilot program involved moving a Paramedic from an ambulance to a fire truck. Chief LaMoria reported that data collected through the 12 month program in conjunction with changes in Emergency Medical Dispatch protocols shows efficiencies. The apparatus response has been reduced by 14% in 6 months. Further, fuel usage shows a 4% reduction in a 6 month time period.

Chief LaMoria reports that Phase Two began in January 2014:

The Marine Division utilized an outside vendor to certify 21 members to operate vessels uninspected by the United States Coast Guard. This license is known by the Coast Guard as a "Six Pack License" and describes licensees with the trained ability to operate a vessel carrying 6 paying passengers. This certification was delivered on duty incurring zero overtime costs. In the fall of 2014 additional certification of these same 21 members will bring the license level to a 50 ton certification.

The Department has worked with area communities on a Community Paramedicine Grant intended to provide expanded access and care to patients who experience a regular need for emergency services

and those patients with chronic conditions. The Community response is geared toward preparing area emergency responders to changes in healthcare.

The Department is also on its second administration of the High School Firefighter program beginning this week in September. The program offers an emergency medical responder certification that positions students to pursue a similar course in the regional community college setting. In 2013 12 students participated. This year 20 students are enrolled in this program. In addition, Metro area Fire Chiefs are working with Community Colleges and the Portland Fire Department to make scholarship funding available for this student population. The Portland Fire Department administration is also working with the City of Portland Human Resources department on civil service rules in hopes to be able to offer successful students in this program a conditional offer of employment.

The administrative reorganization of the Fire Department is in effect and reflects three branches: Administrative and Support Services, Emergency Operations and Fire Prevention. Assistant Chiefs have been named and are in place for both the Admin/Support Services and Emergency Operations branches with the Assistant Chief in charge of Fire Prevention being place in **January 2015**.

The next 6-12 months of Phase Two will focus on consistency in practices and policies. The department has been actively reviewing job descriptions for existing positions to that extent.

Phase Three of the administrative reorganization for the department involves advance planning through the Capital Improvement Process beginning in January 2015 spanning 3-5 years. The Chief discussed several initiatives described in detail in backup material provided by the Fire Department.

Chief LaMoria provided an update on the Confined Space Program initiated by the fire department in an effort to continue funding for 12 positions established by the SAFER grant previously accepted by the City Council. The current revenue totals \$166k. The department has completed a mass mailing to businesses in the City that may qualify for the confined space program. To date there are no new contracts. The Department is seeking alternative funding at this point. The City of Westbrook has asked for assistance with emergency response given recent changes in their capabilities. Cooperative talks are ongoing between Portland and Westbrook with the potential to offset costs when the SAFER grant funding is no longer available to the department.

Chair Suslovic acknowledged that Councilor Coyne has just arrived.

Councilor Duson noted that Phase One items were time sensitive safety priorities that were not all complete because of the budget process. She has asked what is left over for those priorities and what the status of those priorities is.

Chief LaMoria responded that the department was not able to go through a complete facility assessment and requires a better picture of what the needs are for existing structures and a complete analysis to determine what upgrades make sense given the age of structures and geographical location.

Councilor Duson asked when the department planned to do a review of buildings and submit a budget request.

Interim City Manager Sheila Hill-Christian noted the department did pursue a budget request on this topic and noted the request did not make it to the Council through the City Manager's office.

Councilor Duson asked the City Manager's office to provide a copy of that budget request to the Council.

Councilor Leeman questioned what is in an assessment the department needs to complete.

Chief LaMoria answered the comprehensive assessment is needed to ensure it's worth spending money on an older building given current and projected levels of service and the facility's geographical location.

Councilor Leeman asked for a copy of the assessment to which Chief LaMoria said he would provide one.

Councilor Duson asked if Community Paramedicine was similar to a "train the trainer" setting.

Chief LaMoria responded the initiative is a regional grant with a specified number of seats available. There are 12 pilot studies taking place to offer opportunities for acute care and chronic care vs. emergency treatment.

Councilor Duson thanked the Chief for that explanation and further complimented the department on the high school firefighter program.

Councilor Duson asked Chief LaMoria for a visual of the past year, what has been done, what works, what are the outcomes you've expected and what are the actual results. She would also like to see a tieback to what has been done to what the recommendations were from the performance and management review study. Councilor Duson noted the City of Portland provides a robust benefit plan that covers an annual exam so she asked why the fire department needs to fund a program. She thought the program should include thinking about resources that are already available.

Chair Suslovic commended the Chief on progress and agrees with Councilor Duson on updates. He thanked the Chief for the high school firefighter program as well noting the program creates a pathway to regional community colleges and he encouraged the department to think about other high schools as well. Chief LaMoria noted the program does have students from Deering and Portland high schools.

Chair Suslovic mentioned the fire department could think about examining vehicles on an individual basis during apparatus replacement rather than blindly following industry guidelines in an effort to get a bit more time out of such big ticket items.

Chair Suslovic noted the department has identified some needs such as budget items and a health and wellness program, but indicated the SAFER grant is unlikely to be approved moving forward. He pointed out the home page of the Honolulu fire department's web page where they advertise a very low cost of operations. The Chair asked what our cost per capita is, what the gross expense is per capita and asked to take into account the net related to EMS revenues. He asked how we compare to other communities on a per capita basis – not only the fire department, but other departments as well. He noted he recognized some of those changes involve contractual negotiations.

The Chief planned to provide an update in November and the Committee agreed.

AGENDA ITEM 2 – Buffer Zone Alternatives

Chair Suslovic gave a quick overview of the issue leading to discussion at the committee hearing tonight. The Chair recognized Trish McAllister for her extremely excellent service to the City of Portland.

In relation to the preliminary memo provided as back-up material, Trish said until we hear from the court it is unclear if the City needs to pay for legal fees. She discussed options leading to one side of the street/walkway being protest free and noted the fixed buffer zone may be more constitutionally sound if requested by Planned Parenthood vs. the City of Portland and that keeping government out of the process will enable private suits to move forward.

Chair Suslovic asked if the City would have to pay legal fees if someone filed suit citing 1st amendment rights. Trish answered yes and said anything other than this proposal would not be effective.

Councilor Duson noted there is mention, but no analysis provided of the Massachusetts and New York laws. Further discussion revolved around the exercise of free choice and Councilor Duson thinks the Government can take action and has the opportunity to create community expectations for “flare ups” in behavior. She asked if we have local authority to write citations for obstructing. Trish responded yes.

Councilor Duson went into detail discussion options and asking about enforcement for each of the options provided in the memo and concluded the Massachusetts law may be a possible option moving forward.

Danielle West-Chuhta noted that it is possible to pursue amendments to statutes in Augusta and the items discussed by Councilor Duson may be better suited for discussion at that level. She further noted amendments to statutes giving municipalities authority would be beneficial.

Councilor Duson asked Trish if she thought a gauntlet would work. Trish answered no, based on the language in McCullen it's another fixed buffer.

Councilor Duson expressed her opinion she wanted Planned Parenthood to join the City in their lawsuit. She noted the analysis of other state laws is missing from back-up material and asked for another month to review options instead of reporting to the Council that this is it.

Councilor Leeman pointed out she is adamant to do what the City can to protect rights of individuals on both sides of the issue. She understands that government may be involved in suits related to free speech. She feels government can continue to monitor and if an alternative in another venue works, that is great – taking into account taxpayer dollars.

Chair Suslovic asked if it was true in a Supreme Court Case that they could contest behavior vs. _____ and Trish responded, “Yes”.

Chair Suslovic and Trish discussed evidence in cases and traumatic experience. Councilor Suslovic hears that a fixed buffer is unlikely and he does not support one. He asked if the Massachusetts and New York laws already exist in Maine laws. Trish responded that is possible but that Maine laws could change to mimic Massachusetts law.

Councilor Suslovic asked if there are any legal things Portland needed to do to allow private groups to seek injunctive relief. Trish responded No, there is nothing the City can do. Councilor Suslovic asked if this (memo) is the most viable option. Trish responded yes.

Councilor Suslovic thanked the Police Chief and asked for his reaction to enforcement of the Colorado floating buffer. Chief Sauschuck responded that the ordinance did keep people away but they continue to see incidents of non-criminal activity. A warning is required before further action. A warning can be effective, but at that point the damage has already been done and the patients remain traumatized. Splitting zones would have a positive impact and we can take the next steps with Planned Parenthood taking action and there is a clear path to move forward.

Chief Sauschuck noted that bubble enforcement is challenging and he did not see an upside. Officers are hired at an overtime rate by Planned Parenthood. At present, resources are limited to begin with and the police department supports a private injunction.

Councilor Suslovic asked if the police department issued citations under existing ordinances – could a court case be challenged by the 1st amendment? Trish responded that yes the 1st amendment could always be mentioned in a court argument.

Chief Sauschuck noted a difficulty in determination as one person's disorderly conduct can be described as another's right to free speech. Chief Sauschuck noted that Maine State Statute continues to trump City Ordinances.

Councilor Suslovic summed the City and Committee's action to date and supports the alternative actions by Planned Parenthood and if successful the police department can enforce any related court orders.

Councilor Suslovic noted the City's Legislative Committee can ask Augusta to amend the Civil Rights Act to allow for municipal enforcement (**ask Trish if enforcement is the right word**).

The Committee said its action would be to report back to the council regarding the discussion of voting or not voting.

Councilor Leeman suggested the minutes and discussion be presented to the council.

Councilor Duson questioned how the committee needs to report to the council; prefers to review Massachusetts and New York Laws in consultation with the Attorney General's office. She made a motion to take another month and meet with constituent groups as a committee. This motion was seconded by Councilor Coyne.

Chair Suslovic directed a communication be sent to the Council extending the discussion one month following a report to the Council at the October meeting.

Councilor Duson withdrew her motion. The motion was seconded and withdrawn.

Councilor Leeman made a motion to postpone this item to the next meeting. This motion was seconded by Councilor Coyne.

AGENDA ITEM 3 – Mayor's Substance Abuse Sub-Committee Update

Christopher Corson from Public Health presented an update on this topic. He provided a description of the Committee and noted they've met regarding current issues. Guy Cousins, the Director of the State's Office of Substance Abuse provided an update on current substance abuse issues at a recent meeting as well. Work is being done to review programs around the country related to access of treatment related to the Affordable Healthcare Act and changes in Mainecare. In relation to access to treatment, the LEAD program focuses on keeping users out of jail and getting treatment. The next meeting of the sub-committee will discuss various sub groups and those issues. That meeting is on Friday.

Councilor Leeman asked for an email with the mission, membership and minutes of the sub-committee.

Councilor Duson noted that Chris Corson is not a full time employee on this and clarified that he is a full time staff member at public health.

Councilor Suslovic expressed a general concern related to limited staff resources being assigned to multiple and various committees.

Interim Manager Hill-Christian asked that she be kept in the loop on the workplan and staff time on various projects such as this. Councilor Leeman agreed and suggested prioritizing based on staff resources.

Councilor Suslovic noted he thinks the discussion of sharps issues should be on the Mayor's Substance Abuse Sub-committee's meeting agenda.

AGENDA ITEM 4 – Update on General Assistance Lawsuit and Costs

Julie Sullivan, Acting Director of Public Health, provided an update on the ongoing General Assistance Lawsuit. She noted the deadline for reimbursement is coming up. Municipalities have been asked by the

State to verify immigration status for reimbursement requests for general assistance. Potential audits can equal civil penalties. There is \$10.67 million expected in FY15 for general assistance. Undocumented populations account for roughly \$300k/mo that may not be eligible for reimbursement. This accounts for a \$3.6 million risk and an approximate 2.23% tax increase.

Danielle West-Chuhta, Corporation Counsel, announced that her department has prepared a waiver to be accompanied by the State's new form and request for reimbursement. The State has said that all requests for reimbursement could be denied if even one application's immigrant status was found to be in question.

Portland is waiting on Lewiston's decision to grant assistance or not based on these new parameters. If Lewiston decides not to provide assistance, Portland could then be inundated with requests.

Danielle noted that the Maine Municipal Association, City of Westbrook and City of Portland have filed lawsuits related to general assistance – suits did not go through rulemaking and they are asking the court for relief.

Portland will soon start submitting requests for assistance. Further amendments of complaints are due to \$3-10 Million dollar impacts.

Danielle noted that the waiver drafted by her office states the City makes no such certification of citizen status. Corporation Counsel is also working through the process with outside counsel and has requested an expedited review in courts. There have been some procedural issues related to the ACLU and Civil Liberties Union pushing for these items to be moved to federal court.

Councilor Suslovic stated if the City loses court, we could not be reimbursed \$3 million or a total of \$10 million.

Councilor Duson summarized that legal and public health offices in Portland have tried to isolate the impact by complying with the order and still submitting for reimbursement for both demographics of lawful and unlawful applicants. She also noted that legal has covered the City's staff that may be signing any such waiver from civil penalties from signing a form indicating immigration status one way or another.

Councilor Duson noted policy issues and asked that non salary staff (elected officials) sign affidavits vs. staff employees. Julie Sullivan said she would review the GA law related to who must sign the forms.

Julie further noted that the State has said any violation in applications for assistance may result in a complete loss of general assistance funds. A short discussion of the difficulty to determine lawful or unlawful status took place.

Councilor Duson noted that she thinks the impact of this change affects immigrants who are people of color.

Julie Sullivan noted several visa holder statistics that did indicate a high number of individuals coming from countries with high populations of people of color. She noted that visa holders enter the United States on a visa and eventually become "undocumented" while waiting on a passport.

Danielle noted that at a workshop the council agreed to provide service, but Councilor Suslovic notes the council hasn't yet voted on this action. He also asked how long this will take. Danielle explained the process and has asked the courts for expedited review and is hoping for information in the next few months.

Councilor Coyne asked for clarification on other municipalities and their votes to provide assistance or not. Julie Sullivan was unsure if Lewiston intends to provide general assistance or not.

Councilor Duson asked if the council took action or voted to move this in the direction of guidance. Danielle said that yes, the council provided guidance. Sheila also said yes and staff have provided updates on topics.

Councilor Suslovic asked for an update in one month on general assistance. Danielle offered for outside counsel to be available for an in depth conversation, noting that MMA is paying for that service.

Councilor Duson noted she was interested in keeping public assets out of this and keeping the council responsible.

Councilor Coyne excused himself from the meeting. Councilor Leeman also excused herself from the meeting.

AGENDA ITEM 5 – Revisit the Work Plan for the Year

Councilor Suslovic said to move smoking to December and to add noise in the Old Port to December as well.

Sheila mentioned the 7 point plan to include cost and effectiveness to end homelessness in December as well.

Councilor Duson would like to add the police department to brief the committee on equipment received from military branches (in the wake of current events in Ferguson). She wanted to consider pro-active phrasing for the conversation and to learn what the situation is in Portland and asked for a reminder of the public safety culture in Portland. Councilor Suslovic asked for this item to be on the November agenda.

Chief Sauschuck of the Police Department noted he has a follow up meeting with the NAACP on September 30th at the Library to focus questions on these issues to 4 or 5 topics to flesh out the issue.

Councilor Duson noted she wants elected people to be involved. Councilor Suslovic asked for an update in writing at the October 14th meeting and to address follow up in the November meeting.

Councilor Duson wanted something online. Chief Sauschuck confirmed a PowerPoint presentation would be available following the September 30th meeting.

A short discussion was held regarding several of the Mayor's initiatives such as minimum wage, food and healthcare – all related to managing the availability of full time staff to work on these projects. Chair Suslovic suggested that November is a more appropriate time to delegate this work. He also noted the Elder affairs update is included in this discussion.

Councilor Duson would like to see a template for groups and sub committees that are established. She wanted the template to describe the establishment of the committee/task force, include priorities and establish and exit plan to limit the number of groups in establishment.

Julie Sullivan also noted that the State's infectious disease office is asking municipalities to take on public nursing. That was added to the top of the list for the public health update.

The meeting was adjourned quickly at 8:10pm.